

## BIRCH, STEWART, KOLASCH &amp; BIRCH, LLP

TERRELL C. BIRCH  
 RAYMOND C. STEWART  
 JAMES M. SLATTERY  
 MICHAEL K. MUTTER  
 CHARLES GORENSTEIN  
 GERALD M. MURPHY, JR.  
 LEONARD R. SVENSSON  
 ANDREW D. MEIKLE  
 MARC S. WEINER  
 JOE MCKINNEY MUNCY  
 ROBERT J. KENNEY  
 JOHN W. BAILEY  
 MARK J. NUELL, Ph.D.  
 JAMES T. ELLER, JR.  
 D. RICHARD ANDERSON  
 THOMAS M. SMALL\*  
 ROBERT A. SELDON\*  
 JOHN A. SCILLIERI\*  
 SANFORD ASTOR\*

OF COUNSEL:  
 HERBERT M. BIRCH (1905-1996)  
 BERNARD L. SWEENEY\*  
 ELIOT A. GOLDBERG\*  
 WILLIAM L. GATES\*  
 EDWARD H. VALANCE  
 RUPERT J. BRADY (RET.)\*  
 F. PRINCE BUTLER  
 FRED S. WHISENHUNT (RET.)  
 JAMES W. HELLWEGE  
 QUENTIN R. "RICK" CORRIE  
 ROBERT F. GNUSE  
 DAVID R. MURPHY  
 ROBERT M. ASHEN\*  
 MICHAEL R. CAMMARATA

\*ADMITTED TO A BAR OTHER THAN VA.

INTELLECTUAL PROPERTY LAW  
 8110 GATEHOUSE ROAD  
 SUITE 100 EAST  
 FALLS CHURCH, VA 22042-1248  
 U S A

(703) 205-8000  
 FAX: (703) 205-8050  
 (703) 698-8590 (G IV)¶

e-mail: mailroom@bskb.com  
 web: http://www.bskb.com

OTHER OFFICES:  
 CARLSBAD, CALIFORNIA  
 COSTA MESA, CALIFORNIA  
 LOS ANGELES, CALIFORNIA

SENIOR COUNSEL:  
 JOSEPH A. KOLASCH  
 SCOTT L. LOWE  
 PAUL C. LEWIS  
 RICHARD GALLAGHER  
 MARYANNE ARMSTRONG, Ph.D.  
 KECIA J. REYNOLDS  
 KALPANA REDDY  
 ESTHER H. CHONG  
 CATHERINE M. VOISINET\*  
 EUGENE T. PEREZ  
 CAROLYN T. BAUMGARDNER\*  
 MARTIN R. GEISSLER\*  
 J. ALISON GRABELL\*  
 T. BENJAMIN SCHROEDER, Ph.D.  
 PERCY L. SQUARE  
 HYUNG N. SOHN  
 CLINT A. GERDINE  
 CRAIG A. MCROBBIE  
 WILLIAM F. NIXON\*  
 DANIEL K. DORSEY  
 MATTHEW T. SHANLEY  
 GARTH M. DAHLEN, Ph.D.  
 ROBERT E. GOOZNER, Ph.D.

REG. PATENT AGENTS:  
 FREDERICK R. HANDREN  
 MAKI HATSUMI  
 KRISTI L. RUPERT, Ph.D.  
 SUSAN W. GORMAN, Ph.D.  
 ROBERT W. DOWNS  
 CHAD J. BILLINGS  
 CARL T. THOMSEN  
 JASON W. RHODES  
 SAM BHATTACHARYA

Date: November 17, 2003

Docket No.: 0054-0279P

## MS PATENT APPLICATION

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

031282 U.S.PTO  
 10/713259

111703

Sir:

This is a Request for filing a  continuation  divisional  
 continuation-in-part application under 37 C.F.R. § 1.53(b) of  
 pending prior Application No. 09/804,456 filed on April 18, 2001,  
 the entire contents of which are hereby incorporated by  
 reference,  
 by

MOTOSHIM, Kuniaki et al.

for

OPTICAL AMPLIFYING REPEATER APPARATUS AND OPTICAL  
 AMPLIFYING/REPEATING TRANSMISSION SYSTEM

1.  Enclosed is an application consisting of specification,  
 claims, declaration and drawings/photographs (if  
 applicable).

2.  The filing fee has been calculated as follows:

		LARGE ENTITY		SMALL ENTITY		
BASIC FEE		\$770.00		\$385.00		
	NUMBER FILED	NUMBER EXTRA	RATE	FEE	RATE	FEE
<b>TOTAL CLAIMS</b>	1-20 =	0	x 18 =	\$0.00	x 9 =	\$0.00
<b>INDEPENDENT CLAIMS</b>	1-3 =	0	x 86 =	\$0.00	x 43 =	\$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$290.00		+ \$145.00	
		<b>TOTAL</b>	\$770.00		\$0.00	

3.  A check in the amount of \$770.00 to cover the filing fee and recording fee (if applicable) is enclosed.

4.  Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.

5.  Enclosed is/are thirteen (13) sheet(s) of formal drawings and/or photographs.

6a.  A statement claiming small entity status was filed in prior Application No. \_\_\_\_\_ on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.

6b.  The current application qualifies for small entity status.

7.  The prior application is assigned to Mitsubishi Denki Kabushiki Kaisha of 2-3, Marunouchi 2-chome, Chiyoda-ku, Tokyo 100-8310, Japan.

8.  A Preliminary Amendment is enclosed.

9a.  Priority of Application No(s). \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on \_\_\_\_\_.

9b.  Priority of International Appln. PCP/JP00/04946 filed on July 25, 2000 under the Patent Cooperation Treaty and Japanese Application No. 11/216187 filed in Japan

on July 30, 1999 under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

10.  An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

11.  Address all future communications to:

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

or

Customer No. 02292

12.  An extension of time for \_\_\_\_\_ month(s) until \_\_\_\_\_ has been submitted in parent Application No. \_\_\_\_\_ in order to establish co-pendency with the present application.

13.  Also enclosed herewith is the following:

---

---

---

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

Michael K. Mutter, #29,680

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

MKM/CJB/mzk  
0054-0279P

Attachment(s)

(Rev. 10/30/03)